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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,298	07/12/2001	Mark Stephen Webb	30566.155-US-01	3888

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EXAMINER

BASOM, BLAINE T

ART UNIT PAPER NUMBER

2173

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/905,298

Applicant(s)

WEBB, MARK STEPHEN

Examiner

Blaine Basom

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NONE.
Claim(s) objected to: NONE.
Claim(s) rejected: 1,3-11,13-21 and 23-30.
Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

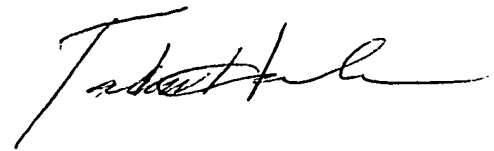
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Blaine Basom
Primary Examiner

Continuation of 3. NOTE: The proposed amendments add, to each of the independent claims, a feature of a collapsed version of a dialog window, wherein the collapsed version is a size of a title bar of the dialog window, and wherein the complete dialog window is displayed when the cursor moves within this title bar of the collapsed version. Such a feature has not previously been expressed by any version of any claim, and therefore requires further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant primarily argues that Janssen (U.S. Patent No. 6,512,529 to Janssen et al.) fails to teach a collapsed version of a dialog window, wherein the collapsed version is a size of a title bar of the dialog window, and wherein the complete dialog window is displayed when the cursor moves within this title bar of the collapsed version, as is expressed by the Applicant's proposed amendments. However, since the proposed amendments have not been entered, as is described above, such arguments are considered moot.

Regarding dependent claim 7, the Applicant argues that Janssen teaches away from automatically reverting focus to another window as claimed, because the background windows demonstrated by Janssen are only used for display purposed. The Applicant asserts that, "since Janssen teaches to merely display the background radar information that does not have any user interaction, there would be no need to revert the focus to the background radar - there would be no reason or rationale for such a focus. Further, the user would be incapable of working in Janssen's background since the complete opaque window would be displayed as soon as the cursor moves into the area thereby returning the focus to the front information window (see FIGS 2-4 of Janssen)." (See page 14 of Applicant's "REMARKS"). The Applicant thus appears to associated focus with interactivity, i.e. that a window with focus is one in which input is entered. However, this is not necessarily the case. A window with focus may simply be a window that is predominantly displayed, for example. Moreover, the claims do not disclose any interactivity, inherent or expressed, within the background window. Accordingly, it is maintained that Janssen does not teach away from automatically reverting focus. As described in the previous Office Action, Microsoft Word 2000 teaches automatically reverting focus. It is thus maintained that the proffered combination of Janssen and Microsoft Word 2000 teaches automatically referting focus, as is claimed.

A handwritten signature in black ink, appearing to read "T. Janssen", is written over a horizontal line.